

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NEIL GREENING,

Plaintiff,

v.

EILEEN W. BISSON et al.,

Defendants.

No. 06-5298RJB/JRC

ORDER DENYING PLAINTIFF'S  
MOTION FOR APPOINTMENT OF  
COUNSEL

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. The case has been referred to this court after remand from the Ninth Circuit.

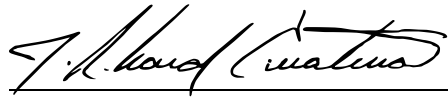
Before the court is plaintiff's motion for appointment of counsel (Dkt. # 80).

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both

1 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro  
2 se in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

3 Plaintiff has demonstrated an adequate ability to articulate his claims pro se. Indeed the  
4 pleadings to date are clear, concise and cogent. Plaintiff has not made any showing of his  
5 likelihood of success on the merits. Therefore, the motion is DENIED.

6 DATED this 11<sup>th</sup> day of August, 2010.

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10 J. Richard Creatura  
11 United States Magistrate Judge  
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